



**Town of Summerville
Council Meeting**
Summerville Municipal Complex
Wednesday, March 9, 2016 at 6:30 p.m.

*****Please note new meeting time*****

A G E N D A

- 1. Invocation and Pledge of Allegiance:** Bob Jackson
- 2. Public Comment**
- 3. Approval of Minutes of Previous Meetings**
 - a. Council Meeting, February 10, 2016
- 4. Approval of Council Committee Reports**
 - a. Finance Committee Report, March 2, 2016
 - b. Public Safety Committee Report, March 2, 2016
 - c. Planning and Development Committee Report, March 2, 2016
- 5. Petitions**
 - a. Authorization to accept the petition and have first reading of an ordinance to annex TMS # 232-00-01-055 located on Berkeley Circle, owned by Sticky Summerville, LLC currently zoned R2, Manufactured Residential in Berkeley Co. to be zoned B-3 General Business
- 6. Pending Bills and Resolutions**
 - a. Second and final reading of an ordinance to annex Dorchester County TMS # 145-07-10-006 (1 lot) located at 420 Miles Jamison Road to be zoned R2, Single Family Residential
- 7. Introduction of Bills and Resolutions**
 - a. Introduction and first reading of an ordinance to establish rules applicable to peddlers, charitable solicitors, buskers, and panhandlers
- 8. Miscellaneous**
 - a. Discussion of Finance Committee meeting day and time
- 9. Executive Session** – To review applications and discuss employment matters related to Town Administrator position
- 10. Adjourn**

Wiley Johnson, Mayor

Council Members:

Bob Jackson, Mayor Pro Tem
Walter Bailey
Aaron Brown
Christine Czarnik
Kima Garten-Schmidt
William McIntosh



Clerk-Treasurer
Lisa L. Wallace

Town Attorney
G. Waring Parker

Town of Summerville
COUNCIL MEETING MINUTES
February 10, 2016

ATTENDANCE

Present: Mayor Wiley Johnson, Mayor Pro Tem Bob Jackson and Council members Walter Bailey, Aaron Brown, Christine Czarnik, Kima Garten-Schmidt, and Bill McIntosh. Also present were Lisa Wallace, Interim Town Administrator, and G.W. Parker, Town Attorney. Members of the press and the public were duly notified of the meeting and were also present.

CALL TO ORDER

The regular monthly meeting of Summerville Town Council was called to order at 7:30 p.m. on Wednesday, February 10, 2016. Mayor Johnson called forward Reverend Robert Leeper to give the invocation which was followed by the Pledge of Allegiance.

UPDATE FROM WASTEPRO ON DEBRIS COLLECTION SERVICES

John Nail from WastePro gave an update on the status of the recycling program for the Town of Summerville stating they are still working on a solution. This was accepted as information.

PUBLIC HEARING: FLAG FOOTBALL PROGRAM USER FEES

Doyle Best gave a brief explanation of the proposed flag football program and the associated fee schedule. Mayor Johnson called for any comments from the public. An unnamed citizen asked if this is opening up the town for any liability. Mr. Best explained that during the registration process, the town would require participants to have medical insurance to cover any injuries and would not be any different than the other league play that is currently offered. Another citizen asked how the town would handle it if there was overwhelming response to the program. Mr. Best stated there is no way to anticipate participation for the first year but he does not believe there will be a huge turnout initially and we have more than adequate facilities to cover the program. There being no further comments, the Mayor declared the public hearing closed.

PUBLIC COMMENTS

Mayor Johnson called for any other comments from the public. Gary Bailey, a 50 year resident, was disappointed with the decorum of the last meeting. He added that he rode through Weatherstone and does not understand why the residents do not want the proposed road that he believes would be an asset to the community. Jennifer Bailey

asked everyone on council to remember the greater good of the entire community. Mark [unknown last name] taught his son to respect authority adding that now is not the time to change the Mayor's authority. Fran Townsend praised the professional staff and department heads and thanked council for hiring great department heads and allowing them to hire a great staff. She added that Summerville needs relief from the traffic and asked council not to rescind the foresight of the previous council and move forward with plans for traffic relief. Carolyn Gorman spoke about the recent arrest made by the Summerville Police Department and asked why the suspect was allowed to get out on bail. She added that she wants Mayor Johnson in charge when these situations arise. Neyle Jones stated that he was inspired to be here tonight by a growing group of people known as "Positively Summerville". He congratulated the newly elected members and encouraged each member to vote for the good of Summerville as a whole. Jack Pratt stated that the police do a great job for this town but wants to see the speed limit enforced at Tea Farm and Marion. He added that he does not think police should pursue suspects at high speeds. Brian Kelley stated that he has dealt with town employees and they have always been helpful and reasonable. He wants the town government to continue working well and spoke against the proposed changes to the ordinances related to the Mayor and Town Administrator responsibilities. Lucia Campbell stated she was glad to hear the update from WastePro about the recycling issue. She also thanked the Mayor and Council for all they are doing for the town. She knows there has been opposition but wants everyone to work together. She added that growth and planning is vital to the town. Linda Haynes-Whetsell spoke about Wastepro stating that the noise, dust and stench is unbearable. She thanked the Town for cleaning up Shepard Street but added that Atlantic Street needs to be cleaned up. She also stated that there needs to be more police protection on Atlantic Street. Laura Jones spoke in support of town council stating that she was happy with the direction the town was heading prior to the election. She asked the council work together to bring resolution and not division. Adrian Kwist stated that he was disappointed with the road presentation that was given last month. He added that public safety should be the major issue and not cost. He also spoke against the proposed ordinance that would strip the Mayor of his authority and asked council to table it indefinitely. Bessie Simmons was concerned about the proposed plan to make Shepard Street one-way and asked if Simmons Street Extension and Waring Street would also be made one-way because they are also narrow. She was concerned about making the streets one-way simply because they are narrow. Brad Mallet commended the police department for support of the neighborhood watch groups. He also stated that a strong council encourages consensus and working together and is the essence of good governance. He added that improvement of traffic flow is for all of Summerville. He also announced that this year is the 25th year of the Farmer's Market. Tom Hart said his family is part of this community and he is aware of the problems facing Summerville. He asked Council to resist the temptation of following the angriest voices and to look for positive solutions. He also addressed the recent issues regarding the police department and the associate judge. He disclosed that the associate judge referred to in this issue is his law partner and son-in-law. He stated that the earlier comments made this evening were false, did not reflect the facts, and asked that Council not listen to the false besmirchment of a fine young lawyer's reputation. Terry Jenkins stated that the no Summerville Mayor has ever been elected with any additional power and authority except

those additional powers and authorities granted by Council. Caroline Leland stated that her professor cited Summerville as a worst case scenario of urban sprawl. She said that good growth is smart growth and she believed that our town was moving in the right direction with the vision plan and projects that followed smart growth principles. Frank Freeman encouraged Council to acknowledge and engage with the citizens during public comments. Linda Jones stated that areas of Weatherstone still have trees under water adding that the proposed road will cause flooding and destroy wetlands. Thadius Kuick questioned the proposed additional cost presented by Michael Baker Engineering if an alternate route around their neighborhood was taken. He asked why they feel the proposed road is better going through their neighborhood and asked council to consider public safety. A representative from the historic business district presented council with a petition stating that business owners, managers and employees in the historic district are frightened and concerned about panhandlers in the historic district. She understands that Mt. Pleasant and Charleston have ordinances in place to address this issue and asked council to consider putting something in place. Steve Blank stated that the proposed road through Weatherstone will not be similar to Westcott adding that the road will be going into back yards. He added that there is a viable alternative and questions the \$1.5 million dollar projection for the alternate route. Homer Gonzales spoke in favor of the proposed alternate route and asked Council to look at the environmental impact of the proposed road going through their neighborhood.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Mr. McIntosh made a motion, seconded by Mr. Brown, to approve the minutes of the January 13, 2016 council meeting as presented. The motion carried unanimously.

APPROVAL OF COUNCIL COMMITTEE REPORTS

Mr. Brown made a motion, seconded by Ms. Garten-Schmidt, to approve the February 3, 2016 Finance Committee Report, the February 3, 2016 Public Safety Committee Report and the February 3, 2016 Public Works Committee Report. Mr. Jackson requested that the Finance Committee Report be amended to include that Mayor Johnson stated that he has issued keys to the Mayor's office to Peter Gorman and Christine Czarnik and made a motion that these reports be approved with the amendment to the Finance Committee Report. Mr. Bailey seconded the motion and the motion carried unanimously.

PETITIONS

Mr. McIntosh made a motion, seconded by Mr. Jackson, to accept the petition and have first reading of an ordinance to annex Dorchester County TMS # 145-07-10-006 (1 lot) located at 420 Miles Jamison Road to be zoned R2, Single Family Residential. The motion carried unanimously.

PENDING BILLS AND RESOLUTIONS

Mr. Jackson made a motion, seconded by Mr. Brown, to have second and final reading of an ordinance to annex Dorchester County TMS#s 135-16-00-014, -015, & -016 located at 1625 Central Avenue, owned by Thomas Mizell currently zoned R4, Multifamily to be zoned B3, General Business. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Brown, to have second and final reading of an ordinance to annex Dorchester County TMS# 146-13-04-001 located at 245 Judith Drive, owned by Lakes of Summerville, LLC currently zoned R2, Residential to be zoned PUD, Planned Unit Development, and amend the existing PUD to include this parcel for use as a home owners' association common area with the proposed addition of an amenity boat storage facility. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Ms. Czarnik, to have second and final reading of an ordinance to adopt a revised fee schedule for the Blackwell Sports Complex. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Bailey, to have second and final reading of an ordinance to provide for the issuance and sale of G.O. refunding bonds of 2016. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Brown, to have second and final reading of an ordinance to amend Chapter 2, Section 2-92 entitled "Date and hour of regular meetings". The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Bailey, to have second and final reading of an ordinance to amend Chapter 2, Article II, of the Code of Laws of the Town of Summerville entitled "Mayor" and "Council meetings". Mayor Johnson questioned whether the town was complying with Section 1-10 of the town's code and further stated that he did not call for a motion. Mr. Bailey stated that the council could not have discussion on the issue without a motion on the floor. After lengthy discussion, Mr. Bailey made a motion, seconded by Mr. Jackson, to have second and final reading of an ordinance to amend Chapter 2, Article II of the Code of Laws of the Town of Summerville entitled "Mayor" and "Council meetings" as amended. Mr. Bailey, Ms. Garten-Schmidt, Mr. Jackson, and Mr. McIntosh voted in favor of the motion. Ms. Czarnik, Mr. Brown, and Mayor Johnson voted against the motion. The motion carried.

Mr. Bailey made a motion, seconded by Mr. McIntosh, to have second and final reading of an ordinance to amend Chapter 2, Article IV of the Code of Laws of the Town of Summerville entitled "Town Administrator" as amended. Ms. Czarnik stated that she would be voting against this ordinance noting that it has the same technical irregularities as the previous ordinance. Mr. Brown concurred. There being no further discussion, the Mayor called for the vote. Mr. Bailey, Ms. Garten-Schmidt, Mr. Jackson and Mr. McIntosh voted in favor of the motion. Ms. Czarnik, Mr. Brown and Mayor Johnson voted against the motion. The motion carried.

INTRODUCTION OF NEW BILLS AND RESOLUTIONS

Ms. Wallace reported that there were no new bills or resolutions.

MISCELLANEOUS

Mr. Jackson made a motion, seconded by Mr. Brown, to authorize the town to takeover 0.41 miles of Berkeley from SCDOT. The motion carried unanimously.

Mayor Johnson announced that the proposed plan for services agreement with Old Fort Fire Department is not ready to be considered yet stating that it would be postponed until the next meeting.

Mr. Jackson made a motion, seconded by Mr. McIntosh, to authorize an amendment to the town's email retention policy from 60 days to 1 year. The motion carried unanimously.

Ms. Czarnik made a motion, seconded by Mr. Brown, that the town select the Phase 1 option for the Bear Island/Sheep Island Road project that was presented to council last week. Ms. Czarnik, Mr. Brown and Mayor Johnson voted in favor of that motion. Mr. Bailey, Ms. Garten-Schmidt, Mr. Jackson, and Mr. McIntosh voted against the motion. The motion failed.

Mr. Jackson made a motion, seconded by Mr. Bailey, to move forward with the Bear Island/Sheep Island Road project as originally presented. Mayor Johnson stated that he did not believe a new vote was necessary adding that since the motion to select the Phase 1 option failed, the project would continue to move forward as originally planned which will take the road through the Weatherstone subdivision.

ADJOURN

There being no further business, the meeting adjourned at 9:43 p.m. on motion of Mr. Brown, seconded by Mr. Jackson.

Respectfully submitted,

Lisa Wallace, Interim Town Administrator,
Director of Administrative Services and
Clerk/Treasurer

APPROVED:

William Wiley Johnson, Mayor

TOWN OF SUMMERVILLE
FINANCE COMMITTEE REPORT
MARCH 2, 2016

The Finance Committee met at 6:30 p.m. on Wednesday, March 2, 2016 in the Council Chambers of the Summerville Municipal Complex. Present were Mayor Wiley Johnson, Mayor Pro-Tem Bob Jackson and Council members Walter Bailey, Aaron Brown, Christine Czarnik, Kima Garten-Schmidt, and Bill McIntosh. Also present were Town Attorney, G.W. Parker, Director of Administrative Services and Interim Town Administrator, Lisa Wallace and Finance Director Belinda Harper. Other staff members, members of the press and members of the public were also present.

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| Welcome | Mayor Johnson opened the meeting with prayer followed by the Pledge of Allegiance. |
| Presentation of Financial Report | Belinda Harper presented the February 2016 financial report. The report was accepted as information. |
| Approval of Financial Requisitions | <p>Mr. Brown made a motion, seconded by Mr. McIntosh, to award the bid and issue a purchase order to Pierce Manufacturing in the amount of \$464,090 plus tax for a pumper truck for the Fire Department to be paid from budgeted capital funds as a transfer from fund balance. The motion carried unanimously.</p> <p>Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to award the bid and issue a purchase order to Howell & Howell Construction in the amount of \$278,888, to be paid from 2014 and 2015 CDBG funds, Saul Alexander Grant funds and a temporary reduction in the Stantec design contract. The motion carried unanimously.</p> |
| Discussion of Council Committee Reports | <p>Mr. Bailey gave the report of the March 2, 2016 Public Safety Committee meeting. He reported that the committee recommended changes to the proposed ordinance dealing with peddlers and panhandlers and that it be forwarded to full council for consideration with those changes. He also stated that the committee recommended that the proposed plan for services agreement with Old Fort Fire Department be removed from the Council agenda and sent back to staff for further negotiations. Mayor Johnson asked Mr. Bailey if he would be willing to serve on the committee to negotiate the agreement since he is most familiar with the matter. Mr. Bailey indicated that he would. Mr. McIntosh gave the report of the March 2, 2016 Planning and Development Committee meeting stating that the committee recommended that the proposed annexation of property near Sticky Fingers be moved to full council for consideration. He also reported that the committee discussed the demolition permit process and the committee recommended that staff look into shortening the length of time a demolition permit is valid and to bring a proposed ordinance amendment back for consideration. These reports were provided as information and will be on the Council agenda for approval.</p> |

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| Discussion of Proposed/Upcoming Council Agenda Items | <p>Mayor Johnson asked if there was any discussion of proposed or upcoming council agenda items. Mr. Bailey proposed adding discussion of the Finance Committee meeting schedule to the Council agenda. He recommended returning to the Monday prior to the Council meeting but keeping the 6:30 p.m. meeting time. Planning and Economic Development Director, Madelyn Robinson reported that it may conflict with the Board of Architectural Review meetings. The Mayor indicated this item would be placed on the Council agenda for discussion.</p> |
| Miscellaneous | <p>Mayor Johnson reported that Sculpture in the South requested that a sculpture entitled "Flying" be authorized to be placed on Town property in Azalea Park. Mr. McIntosh made a motion, seconded by Mr. Jackson, to accept ownership and authorize the piece to be placed on town property in Azalea Park. The motion carried unanimously.</p> <p>Fire Chief Richard Waring reported on the public safety concerns relating to the occupancy of council chambers stating that the maximum occupancy level needs to be enforced for the safety of the public. Mayor Johnson reported that the second floor training room will have live streaming of the council meeting for overflow if the chamber reaches maximum occupancy. He added that we want to be safe and comply with the fire codes.</p> <p>Ms. Wallace reported that there would not be a need to execute a new agreement with Stantec since they provided us with a letter stating that they would temporarily reduce the amount of their design contract for Hutchinson Square to enable us to fund the construction of Phase I of the project.</p> |
| Mayor's Comments | <p>Mayor Johnson reported that the town recently issued a Request for Proposals for a security system for town hall. He also reported that the Chief Judge's term was due to expire in April and would like to advertise for the position. Mr. McIntosh announced that he would recuse himself from the conversation due to a conflict citing that he practices law at the same firm as the Chief Judge. There was no further discussion on the matter. Mayor Johnson then announced that he is still working with WastePro regarding recycling reporting that a number of options are available that the town is considering and he would continue to keep everyone updated.</p> |
| Executive Session | <p>Mr. Jackson made a motion, seconded by Mr. Bailey, to enter into executive session for the purposes of reviewing applications and discussing employment matters related to the Town Administrator position. The motion carried unanimously.</p> <p>The Finance Committee returned to public session at 7:40 p.m. and announced that no action was taken.</p> |

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| Adjourn | There being no further business, the meeting adjourned at 7:41 p.m. |
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Respectfully submitted,



Lisa Wallace
Interim Town Administrator/
Dir. Of Administrative Services, Clerk/Treasurer

PUBLIC SAFETY COMMITTEE REPORT

March 2, 2016

The Public Safety Committee met on Wednesday, March 2, 2016 at 5:00 p.m. in the training room at the Summerville Municipal Complex. Present were Chairman Walter Bailey and committee members Aaron Brown and Christine Czarnik. Members of the public and the press were duly notified of the meeting and were also present.

Chairman Bailey called the meeting to order and reported that the first item on the agenda was discussion on a proposed ordinance to establish rules applicable to peddlers, charitable solicitors, buskers, and panhandlers. Mr. Bailey pointed out several items contained in the ordinance that needed to be revised or removed. Ms. Czarnik also had a couple of corrections and items to be amended. The committee requested that Town Attorney, G.W. Parker review and make those changes prior to the upcoming council meeting. Mr. Brown then made a motion, seconded by Ms. Czarnik, to forward this item to full council for consideration subject to the aforementioned changes. The motion carried unanimously.

Mr. Bailey then reported that the next item on the agenda was discussion of a proposed plan for services agreement with Old Fort Fire Department. Mr. Bailey provided some history on the development of the initial agreement advising the committee that he was a member of the original committee appointed to devise a plan. He reported that he had some concerns about the new agreement as proposed. After some discussion, Ms. Czarnik made a motion, seconded by Mr. Brown, to recommend that the proposed agreement be pulled from the council agenda and sent back to staff to renegotiate the terms of the agreement. The motion carried unanimously.

There being no further business, the meeting adjourned at 5:25 p.m.

Respectfully submitted,



Lisa Wallace

PLANNING AND DEVELOPMENT COMMITTEE

REPORT for

March 2, 2016

4:00 PM

TOWN HALL – BOARDROOM A
200 S. Main Street, Summerville, SC

The Planning and Development Committee of Town Council met on March 2, 2016 at 5:00 PM immediately following the Public Safety Committee of Town Council. The meeting was held in the Training Room, Town Hall, 200 S. Main Street, Summerville, SC. Committee members present included Bill McIntosh, Council District 4, Chairman; and, Walter Bailey, Council District 3. Bob Jackson, Council District 6 was unable to attend. Staff members present included Madelyn Robinson, AICP, Director of Planning & Economic Development; and, Rich Palmer, Building Official.

The meeting was called to order by Mr. McIntosh following the adjournment of the Public Safety Committee.

New Business:

The first item under new business was the request to annex Berkeley County, TMS# 232-00-01-055, one lot (.161 acres), located on Berkeley Circle, owned by Sticky Summerville, LLC, zoned R2, Manufactured Residential in Berkeley County and will be zoned B3, General Business upon annexation into the Town of Summerville's municipal limits. Ms. Robinson provided a brief overview of the location of the property and the plan to develop a tenant space for retail. Mr. Bailey made a motion to recommend sending this request to Town Council for approval with Mr. McIntosh making the second. The motion carried.

The second item was the discussion of the demolition permit process. Mr. Palmer explained to the Committee the process by which staff implements the demolition process of structures within the Town that are abandoned and/or condemned. Following the description of the three codes that govern the process, the legal process found in the Property Maintenance Code, the building permit process found in the residential and commercial building codes, and the length of time the permit is valid, he suggested staff provide a text amendment to shorten the 180 day time period that the permit is valid to 30-60 days. Councilman Aaron Brown as a member of the audience stated that he would like to see the \$500 fine issued to those who wouldn't comply. The Committee discussed concerns regarding amending the language too far that would provide the Town an overreach of authority and equal protection between residential and commercial permits and suggested staff consult with the Town's Attorney to avoid this potential. Mr. Bailey made motion for staff to prepare a text amendment changing the 180 day length of time a demolition permit is valid to 60 days for both residential and commercial permits. Mr. McIntosh made the second and the motion carried.

Following no additional business or discussion, the meeting was adjourned at 5:45 PM with a motion by Mr. Bailey and a second by Mr. McIntosh.

Respectfully submitted,



Madelyn Robinson, AICP
Director of Planning & Economic Development

March 2, 2016

ORDINANCE

TO ANNEX TO, AND INCORPORATE WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUMMERVILLE, THIS PARCEL OWNED BY STICKY SUMMERVILLE, LLC, ADJACENT TO THE BOUNDARY LINE OF THE TOWN, AS DESCRIBED ON THE DEED AND PREPARED PLAT ATTACHED HERETO AND INCORPORATED BY REFERENCE:

WHEREAS, the owner of the real estate designated as Berkeley County TMS # 232-00-01-055, located on Berkeley Circle, described as 1 lot (.161 acres), has petitioned the Town Council of the Town of Summerville to annex into the Town of Summerville.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Members of Town Council duly assembled;

SECTION I. That the described land on the attached deed and prepared plat, contiguous to the boundary of the Town of Summerville is hereby annexed to, taken into and made a part of the Town of Summerville and including the public roadway (s) immediately adjacent to the property lines of the parcel for the purposes of providing public service to the parcel.

SECTION II. That the property above described and hereby annexed shall be Zoned B3 "General Business" and be classified as B3 "General Business" under the Zoning Ordinance of the Town of Summerville.

Ratified this _____ day of _____, 2016 A.D.

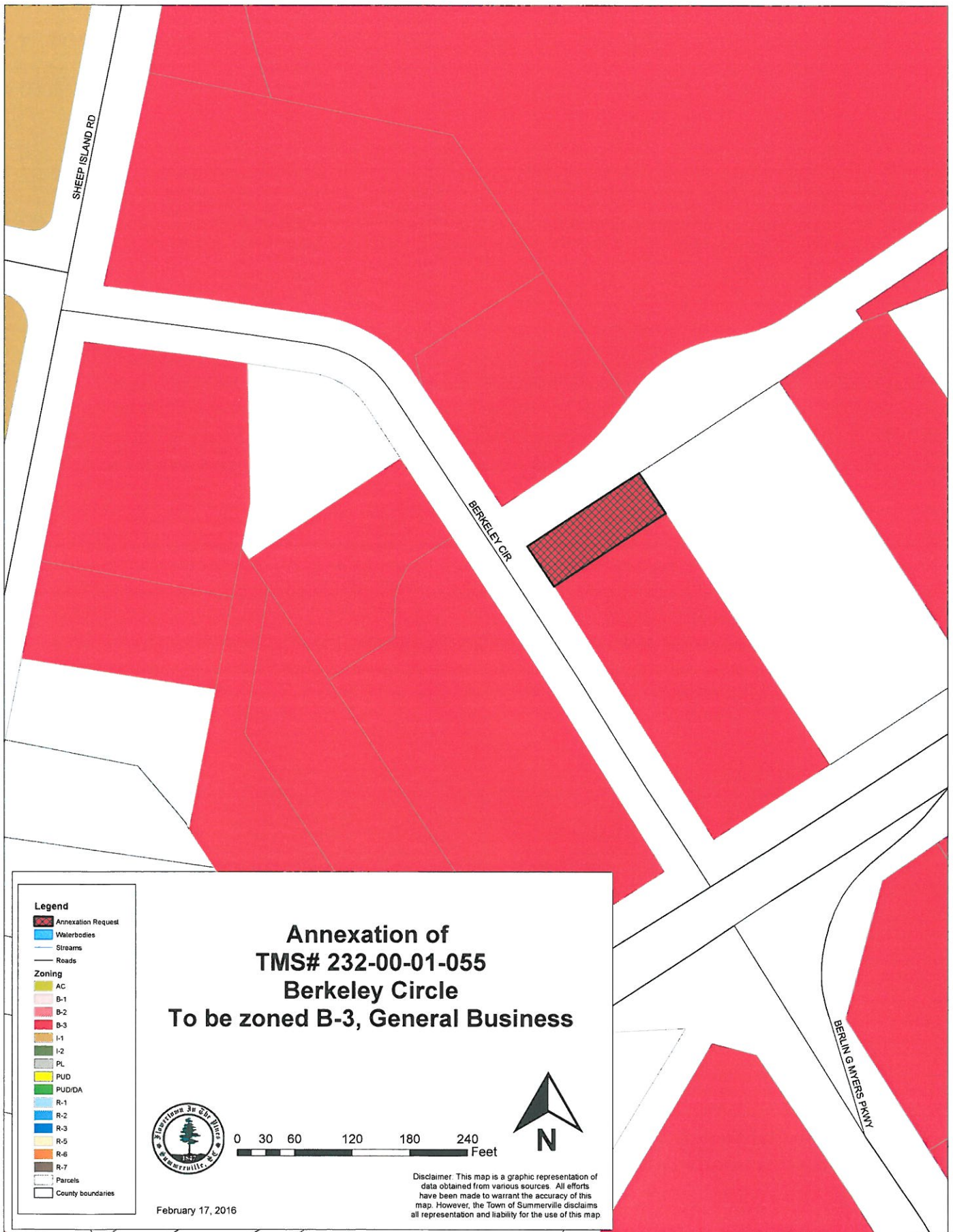
Wiley Johnson, Mayor

Lisa Wallace, Clerk to Council

PUBLIC HEARING: February 22, 2016

FIRST READING: March 9, 2016

SECOND READING: _____



ORDINANCE

TO ANNEX TO, AND INCORPORATE WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUMMERVILLE, THIS PARCEL OWNED BY EMILY R. JENKINS ADJACENT TO THE BOUNDARY LINE OF THE TOWN, AS DESCRIBED ON THE DEED AND PREPARED PLAT ATTACHED HERETO AND INCORPORATED BY REFERENCE:

WHEREAS, the owner of the real estate designated as Dorchester County TMS # 145-07-10-006, located at 420 Miles Jamison Road, described as 1 lot (.83 acres), has petitioned the Town Council of the Town of Summerville to annex into the Town of Summerville.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Members of Town Council duly assembled;

SECTION I. That the described land on the attached deed and prepared plat, contiguous to the boundary of the Town of Summerville is hereby annexed to, taken into and made a part of the Town of Summerville and including the public roadway (s) immediately adjacent to the property lines of the parcel for the purposes of providing public service to the parcel.

SECTION II. That the property above described and hereby annexed shall be Zoned R2 "Single Family Residential" and be classified as R2 "Single Family Residential" under the Zoning Ordinance of the Town of Summerville.

Ratified this _____ day of _____, 2016 A.D.

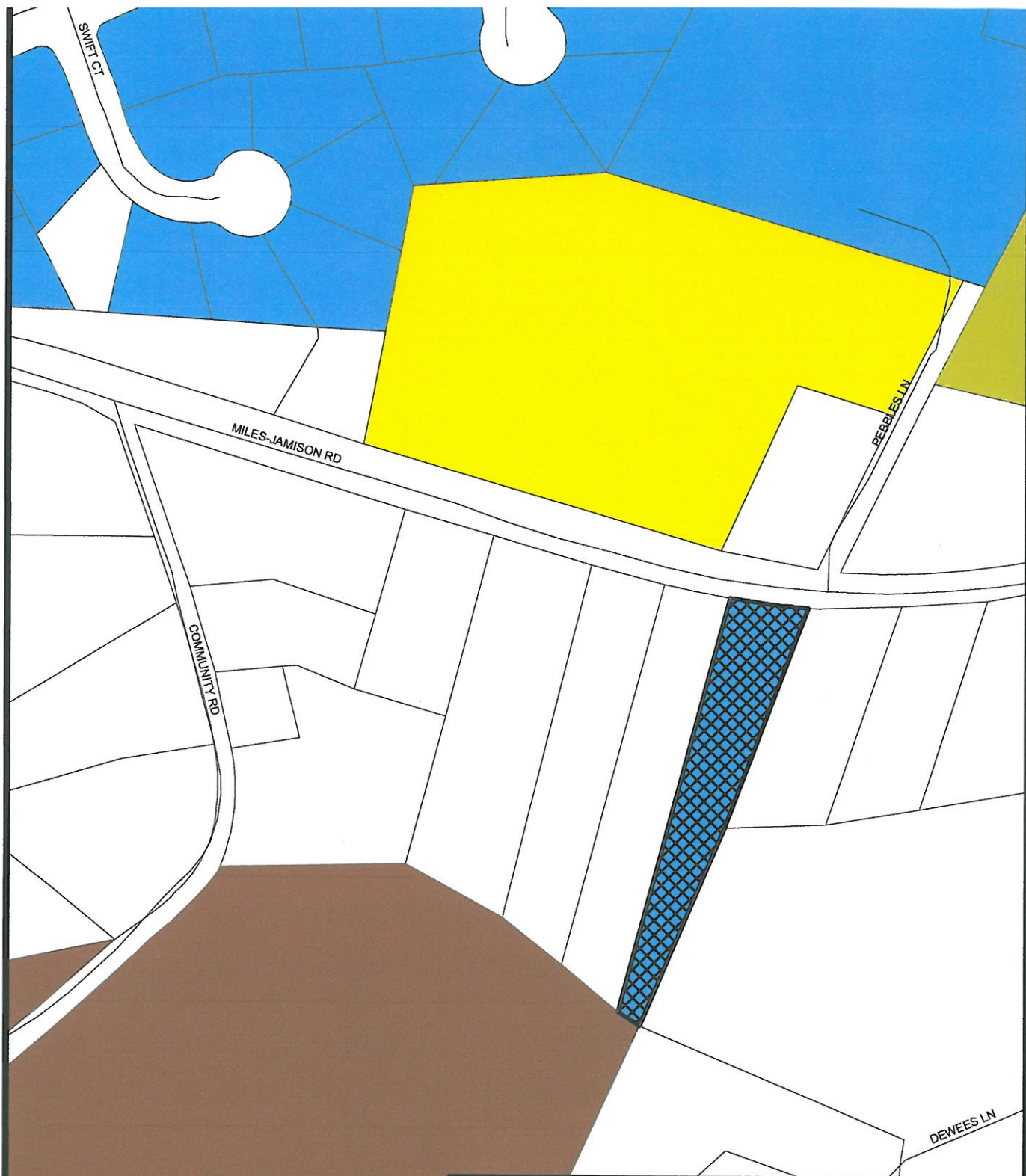
Wiley Johnson, Mayor

Lisa Wallace, Clerk to Council

PUBLIC HEARING: January 25, 2015

FIRST READING: February 10, 2016

SECOND READING: _____



Annexation of 145-07-10-006
420 Miles-Jamison Road
To be zoned R-2,
Single family residential



Legend

| | |
|--------------------|--------|
| Parcels | PL |
| Annexation Request | PUD |
| Zoning | PUD/DA |
| AC | R-1 |
| B-1 | R-2 |
| B-2 | R-3 |
| B-3 | R-5 |
| I-1 | R-6 |

0 25 50 100 150 200 Feet



Disclaimer: This map is a graphic representation of data obtained from various sources. All efforts

AN ORDINANCE

TO ESTABLISH RULES APPLICABLE TO PEDDLERS, CHARITABLE SOLICITORS, BUSKERS, AND PANHANDLERS

BE IT ORDAINED, by the Mayor and Council members of the Town of Summerville, in Council assembled, that the Code of Ordinances of the Town of Summerville, South Carolina, is hereby amended by adding the section, to be numbered 16-17, which section shall read as follows:

Sec. 16-17. Peddlers, Charitable Solicitors, Buskers, and Panhandlers.

(a) *Definitions.* The following words and terms when used in this article shall have the meaning respectively ascribed to them in this section.

(1) Aggressive manner shall mean any of the following:

- a. Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, damage to or loss of property, or to otherwise be intimidated into giving money or other thing of value;
- b. Intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the course of soliciting;
- c. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact with the solicitor;
- d. Using violent or threatening gestures toward a person before, during, or after soliciting;
- e. Persisting in closely following or approaching a person, after the person has informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor; or
- f. Using profane, offensive or abusive language which is likely to cause the person solicited to be intimidated by such language before, during, or after the solicitation.

(2) Busker is a person who plays music or performs for entertainment on the public rights-of-way and other publically owned places.

(3) Charitable organization shall mean any person, organization, rescue squad, volunteer fire department or any other charitable or eleemosynary organization that

is established for any benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare or advocacy, public health, environmental conservation, civic or eleemosynary purpose, or for the benefit of law enforcement officers, firefighters or other persons who protect the public safety.

(4) Charitable soliciting shall mean any person on behalf of a charitable organization is traveling by foot or any type of conveyance, from place to place, from house to house, or from street to street, requesting, directly or indirectly, money, credit, property, financial assistance, remuneration, or other thing of value.

(5) Panhandling shall mean the solicitation of alms whether by offering something of nominal value in exchange for a donation or not.

(6) Peddling shall mean any person traveling by foot or any type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take refundable security or seat deposits, or requesting a person's commitment of time, or orders for the sale of goods, wares, and merchandise, or other personal property of any nature whatsoever for immediate or future delivery or for services to be furnished immediately or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.

(7) Peddler shall mean any individual, whether a resident of the Town of Summerville or not, who engages in the business of peddling as defined above.

(8) Perform includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomiming, painting, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting. Perform shall not include the production of or the offer of items for sale at the location of the performance.

(9) Person shall mean an applicant, individual, corporation, limited liability company, association, partnership, trust, foundation or any other entity however styled.

(10) Right-of-way or Rights-of-way means a public road over which a person or entity has the legal right to access.

(11) Soliciting shall mean peddling, charitable soliciting, busking, panhandling, and vending as herein defined.

(12) Special event shall mean a pre-planned activity sponsored by an individual, group, organization or entity proposed to be held on public property, including public streets, sidewalks, trails, facilities, parks, or other property owned or managed by the

Town Of Summerville which would significantly impact either public property and/or normal vehicular and pedestrian traffic requiring the use of town services, and which shall include but not be limited to a parade, foot race, bike or wheeled race, celebration, amusement event, cultural recognition, sporting event, demonstration, competition, commercial movie or television production, photography shoot, commercial for-profit event, charitable cause, or other similar activity.

(b) Obstructing public ways and means of ingress to and egress from private property.

(1) Solicitors shall not obstruct or otherwise inhibit the free, safe and efficient flow of vehicular or pedestrian traffic on any public rights-of-way or public property even when transacting a sale.

(2) Solicitors shall not obstruct or otherwise inhibit the free, safe and efficient flow of vehicular or pedestrian traffic into and out of private property adjacent to any public right-of-way.

(c) Conducting of business during certain hours prohibited.

(1) No person shall engage in peddling or charitable soliciting, as defined in this section, between the hours of 8:00 p.m. and 8:00 a.m.

(2) No person shall engage in busking between the hours of 11:00 p.m. and 8:00 a.m.

(d) Sale of food or drink with any alcohol contained therein prohibited. No person shall engage in the sale or selling of food or drink with any alcohol contained therein. Notwithstanding the foregoing, the Town Council may authorize the sale of food or drink containing alcohol during a town-sponsored event or a permitted special event.

(e) Approaching vehicular traffic prohibited. Under no circumstances shall any moving vehicle be approached by a person soliciting.

(f) Use of traffic islands, medians or other traffic control devices for storage of sale of tangible property prohibited. Solicitors shall not store, keep or offer for sale any tangible property or service on any traffic island, median or other traffic control device located within the corporate limits of the town.

(g) Peddling, charitable soliciting, and busking is unlawful on private property. It shall be unlawful to engage in soliciting on any property where a sign is posted that states "No Trespassing," "No Peddlers," "No Solicitors," "No Buskers" or words of similar import.

(h) Blocking rights-of-way.

(1) Solicitors shall not block roadways, fire apparatus access roads, sidewalks, crosswalks, driveways, doors, stairways, curb cuts, handicapped access ramps or block access to buildings, parks, conveyances, businesses, traffic control poles containing pedestrian crosswalk button(s), or be within twenty (20) feet of a fire hydrant, fire department connection (FDC), or within twenty (20) feet of any fire alarm or other emergency communication device, either by their location, or by the location of any crowd that they may draw.

(2) Solicitors shall not attract a crowd sufficient to obstruct the public right-of-way; a police officer may disperse the portion of the crowd that is creating the obstruction. At a minimum there shall be at least a five-foot passageway on the sidewalk as required by the Americans with Disabilities Act.

(3) Personal property used for soliciting shall not be left unattended on any public rights-of-way or other publically owned places.

(i) *Penalty.* Any person who violates any provision of this section shall severally for each such violation be guilty of a misdemeanor, punishable as provided in section 1-8 of this Code.

Done at Summerville, South Carolina, this _____ day of _____, 2016.

First Reading _____

Second Reading _____

Approved:

William W. Johnson, Mayor

Attest:

Lisa L. Wallace, Clerk/Treasurer

Ordinance Approved as to Form:

G.W. Parker, Town Attorney